

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

## **ORDER**

Plaintiff, a federal prisoner appearing *pro se*, brought this action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). Plaintiff filed this action on a 28 U.S.C. § 2241 form, but seeks relief under Bivens. Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter was referred to Magistrate Judge Gary M. Purcell for initial proceedings. Because plaintiff is subject to the provisions of 28 U.S.C. § 1915(g) for repeated filings of civil actions that have been dismissed as frivolous or for failure to state a claim for relief, Judge Purcell has issued a Report and Recommendation (the “Report”) recommending that plaintiff’s application to proceed *in forma pauperis* be denied and that the case be dismissed without prejudice unless plaintiff pays the full filing fee within twenty days of the adoption of the Report.

Plaintiff has failed to object to the Report, thereby waiving his right to appellate review of the factual and legal issues it addresses. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); *see also* 28 U.S.C. § 636(b)(1)(C).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #7]. Plaintiff's Motion for Leave *In Forma Pauperis* [Doc. #2] is **DENIED**. This action will be dismissed without prejudice unless plaintiff pays the full \$400.00 filing fee within twenty (20) days of the date of this Order.

**IT IS SO ORDERED.**

Dated this 18th day of January, 2018.



JOE HEATON  
CHIEF U.S. DISTRICT JUDGE